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Attorney for Defendants,  
**JFC INTERNATIONAL, INC.;**  
**MASAKAZU KANEDA**

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

FREDY OLVERA-MARTINEZ,

**CASE NO.:**

Plaintiff,

vs.

JFC INTERNATIONAL, INC.; MASAKAZU  
KANEDA and DOES I through X, inclusive,

Defendants.

**NOTICE OF REMOVAL**

Defendants, JFC INTERNATIONAL, INC. (hereinafter "JFC") and MASAKAZU KANEDA (hereinafter "Kaneda"), by and through its undersigned counsel, pursuant to 28 U.S.C. §§1332, 1441, and 1446 hereby notifies this Court that it is removing the above-captioned action currently pending in Eighth Judicial District Court of the State of Nevada in and for the County of Clark to the United States District Court for the District of Nevada. In support of this Notice of Removal, JFC and Kaneda state as follows:

1. Plaintiff, FREDY OLVERA-MARTINEZ (hereinafter "Plaintiff") filed his First Amended Complaint against JFC and Kaneda in Department XXVI of the Eighth Judicial District Court in Clark County Nevada, on May 2, 2017 (hereinafter "State Court Action"). Included with the Amended Complaint, Plaintiff has alleged that he has incurred \$249,451.66 in damages.

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2. A true and correct copy of Plaintiff's First Amended Complaint filed in the State Court Action are attached hereto as Exhibit "A." There are no matters currently pending in the State Court Action that require resolution by this Court.

6. The basis for removal to federal court is diversity jurisdiction pursuant to 28 U.S.C. §1332, because (1) there is complete diversity of citizenship between Plaintiff, JFC, and Kaneda; and (2) the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

7. In accordance with 28 U.S.C. §1446(d) JFC and Kaneda have contemporaneously filed a copy of this Notice of Removal with the Clerk of the Eighth Judicial District Court in Clark County, Nevada and has also provided written notice to Plaintiff by contemporaneously serving this Notice of Removal on Plaintiff's counsel, a copy of which is attached hereto as Exhibit "B."

8. As required by 28 U.S.C. §1441, JFC and Kaneda are removing this action to the United States District Court for the District of Nevada, which is the District Court embracing the place where the State Court Action has been filed.

#### **DIVERSITY OF CITIZENSHIP**

9. Plaintiff is a resident of Clark County, Nevada.

10. JFC is organized and existing under the laws of the California, with its principal place of business in California.

11. Kaneda is a resident of the State of California.

12. Accordingly, complete diversity of citizenship existed between Plaintiff, JFC, and Kaneda at the time Plaintiff's State Court Action was filed, and complete diversity of citizenship exists at the time of removal.

13. Venue lies in the Court because Plaintiff's action is pending in this district and division. *See*, 28 U.S.C. §1441(a).

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**AMOUNT IN CONTROVERSY**

14. As required by 28 U.S.C. §1332, the amount in controversy in this matter exceeds \$75,000.00, exclusive of interest and costs.

15. Plaintiff's First Amended Complaint states, "[p]resently he is recommended for back surgery. And presently the total amount of know special damages is \$249,451.66 with additional special damages being incurred."

16. Based upon the foregoing, JFC and Kaneda have met its burden of showing that the amount in controversy exceeds the jurisdiction requirement of \$75,000.00.

17. Since complete diversity exists between Plaintiff, JFC, and Kaneda, and because Plaintiff is seeking damages in excess of the \$75,000.00 jurisdictional threshold, JFC and Kaneda may remove this action pursuant to 28 U.S.C. §§ 1332 and 1441(b). This action is one over which the United States District Courts have original jurisdiction by reason of the diversity of citizenship of the parties.

18. Furthermore, this Notice of Removal is timely as it is being filed less than twenty (20) days after service of the Summons and Complaint upon JFC and Kaneda.

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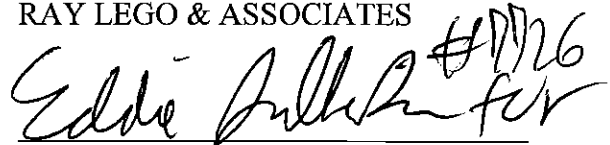
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1 WHEREFORE, JFC and Kaneda respectfully requests that the above-captioned action  
2 now pending in the Eighth Judicial District Court, in Clark County, Nevada be removed to  
3 United States District Court for the District of Nevada, and that said District Court assume  
4 jurisdiction of this action and enter such other and further orders as may be necessary to  
5 accomplish the requested removal.  
6

7 DATED this 2<sup>nd</sup> day of June, 2017.

8 Respectfully submitted,

9 RAY LEGO & ASSOCIATES

10 

11 TIMOTHY F. HUNTER, ESQ.

12 Nevada Bar No. 010622

13 7450 Arroyo Crossing Parkway, Suite 250

14 Las Vegas, NV 89113

15 Attorney for Defendants, JFC

16 INTERNATIONAL, INC.; MASAKAZU

17 KANEDA  
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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of RAY LEGO & ASSOCIATES and that on the 2ND day of June, 2017 I caused the foregoing **NOTICE OF REMOVAL** to be served as follows:

- X pursuant to N.E.F.C.R. 9 by serving it via electronic service.
- by placing a true and correct copy in the United States mail, at Las Vegas, Nevada, first class, postage fully prepaid.
- transmitting a true and correct copy thereof via facsimile to the numbers listed on the attached service list.
- by hand delivery of a true and correct copy thereof to the above on this date.
- by Transmission of a true and correct copy thereof via e-mail to the IPO addresses shown on the attached service list.

To the attorneys listed below:

Don C. Tingey, Esq., SNB #001373  
TINGEY INJURY LAW FIRM  
2001 W. Charleston Blvd.  
Las Vegas, NV 89102  
[dct@tingeylawfirm.com](mailto:dct@tingeylawfirm.com)  
P: 702/333-0000  
F: 702/333-0001  
Attorneys for Plaintiff, **FREDY OLVERA-MARTINEZ**

  
An employee of RAY LEGO & ASSOCIATES

# EXHIBIT A

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EXHIBIT A

Electronically Filed  
5/2/2017 3:24 PM  
Steven D. Grierson  
CLERK OF THE COURT



1. ACOM  
2. Kyle A. Stucki, Esq.  
3. Nevada Bar No: 12646  
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5. 1980 Festival Plaza Drive, #300

Las Vegas, Nevada 89135  
Telephone: (385) 210-1234  
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6. Bruce D. Tingey, Esq.  
7. Nevada Bar No. 5151  
8. Tingey & Tingey  
9. 2001 W. Charleston Blvd.  
10. Las Vegas, Nevada 89102  
11. Telephone: (702) 333-0000  
12. Facsimile: (702) 333-0001  
13. bruce@tingeylawfirm.com  
14. Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

FREDY OLVERA-MARTINEZ,

Plaintiff,

vs.

JFC INTERNATIONAL, INC., MASAKAZU  
KANEDA and DOES III through X, inclusive,

Defendants.

Case No: A-17-751173-C

Dept No: XXVI

FIRST AMENDED COMPLAINT  
AND DEMAND FOR JURY TRIAL

(Arbitration Exemption Claimed: Value in Excess of \$50,000.00)

COMES NOW plaintiff Fredy Olvera-Martinez, by and through his attorney, Bruce D. Tingey, Esq. of the law firm Tingey & Tingey, and for a cause of action against the defendants, and each of them, for damages and injuries sustained on or about December 16, 2015, alleges, on information and belief, as follows:

THE PARTIES

1. At all times relevant, plaintiff Fredy Olvera-Martinez is a resident of Clark County, Nevada.

2. At all times relevant, defendant JFC International, Inc. (an entity related to Kikkoman Corporation) is a corporation or other business entity, doing business in Clark County, Nevada.

3. At all times relevant, defendant Masakazu Kaneda is a resident of California.

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4. The true names and capacities of defendants Doe III through X, inclusive, are unknown at this time and may be individuals, partnerships or corporations. The plaintiff alleges that each of the defendants designated herein as Doe defendant is responsible in some manner for the damages as herein alleged and is further the agent, servant, master, employee or employer of one another, and is operating within the course and scope of their duties or is otherwise established in another type of relationship that will support a finding of joint and several liability.

#### THE FACTS

5. On or about December 16, 2015, in Clark County, Nevada, defendant Masakazu Kaneda was operating a vehicle that collided with a vehicle operated by plaintiff Fredy Olvera-Martinez.

6. At all times relevant, defendant Masakazu Kaneda was acting within the course and scope of his employment with defendant JFC International, Inc.

7. At all times relevant, the vehicle defendant Masakazu Kaneda operated was owned by defendant JFC International, Inc.

8. More specifically, the collision occurred at or about 6:36 p.m. on Wednesday, December 16, 2015 on Decatur Boulevard at or near the intersection with Pennwood Avenue in Las Vegas, Nevada.

9. At or about this time and location, plaintiff Fredy Olvera-Martinez was operating a vehicle northbound on Decatur Boulevard, but he was stopped at or near the intersection with Pennwood Avenue because of a red traffic signal for his lane of travel.

10. At or about this same time and location, defendant Masakazu Kaneda was operating a vehicle behind the vehicle operated by plaintiff Fredy Olvera-Martinez.

11. A collision occurred because defendant Masakazu Kaneda failed to stop his vehicle and while still moving forward at a significant rate of speed, defendant Masakazu Kaneda caused the front end of his vehicle to crash into the rear end of the vehicle operated by plaintiff Fredy Olvera-Martinez.

12. As a result of the collision, plaintiff Fredy Olvera-Martinez was injured and suffered other damages. He went to the emergency room of a hospital for emergency treatment of injuries he sustained in the collision. After being released from the hospital, he followed up with other qualified medical professionals for additional treatment of injuries he sustained in the collision



caused by the negligence of the defendants. Presently he is recommended for back surgery. And presently the total amount of known special damages is \$249,451.66 with additional special damages being incurred. He has also suffered and will continue to suffer from general damages of pain and suffering.

### CLAIMS FOR RELIEF

#### FIRST CAUSE OF ACTION: NEGLIGENCE (Against defendant Masakazu Kaneda)

13. The plaintiff incorporates herein by reference all allegations within this amended complaint and further alleges as follows:

14. At all times relevant, defendant Masakazu Kaneda owed a duty to the plaintiff, including a duty of due care, but breached that duty when the defendant operated a vehicle in such a negligent, reckless and careless manner so as to cause the collision described above.

15. Further, at all times relevant, defendant Masakazu Kaneda violated the laws, statutes and ordinances that govern within the State of Nevada, including traffic laws. The plaintiff belonged to the class of persons the laws, statutes and ordinances were designed to protect. The defendant's violations of the laws, statutes and ordinances constitute negligence per se.

16. As a proximate cause of the negligence of defendant Masakazu Kaneda, the plaintiff was injured and damaged in a manner as alleged herein.

#### SECOND CAUSE OF ACTION: NEGLIGENCE (RESPONDEAT SUPERIOR) (Against defendant JFC International, Inc.)

17. The plaintiff incorporates herein by reference all allegations within this amended complaint and further alleges as follows:

18. At all times relevant, defendant Masakazu Kaneda was acting within the course and scope of employment with defendant JFC International, Inc.

19. As such, defendant JFC International, Inc. is legally responsible (vicariously liable) for the negligent conduct of defendant Masakazu Kaneda as alleged herein.

20. As a proximate cause of the negligence of defendant Masakazu Kaneda, which is imputed to defendant JFC International, Inc., the plaintiff was injured and damaged.

1. THIRD CAUSE OF ACTION: NEGLIGENT HIRING / TRAINING / SUPERVISION  
 2. *(Against defendant JFC International, Inc.)*

3. 21. The plaintiff incorporates herein by reference all allegations within this amended  
 4. complaint and further alleges as follows:

5. 22. At all times relevant, defendant Masakazu Kaneda was acting within the course and  
 6. scope of employment with defendant JFC International, Inc.

7. 23. At all times relevant, defendant JFC International, Inc. was negligent in the manner in  
 8. which it hired, trained and supervised defendant Masakazu Kaneda.

9. 24. As a result, defendant Masakazu Kaneda operated a vehicle in such a negligent,  
 10. reckless and careless manner so as to cause it to collide into a vehicle operated by the plaintiff.

11. 25. As a proximate cause of the negligence of defendant JFC International, Inc., the  
 12. plaintiff was injured and damaged.

13. FOURTH CAUSE OF ACTION: NEGLIGENT ENTRUSTMENT  
 14. *(Against defendant JFC International, Inc.)*

15. 26. The plaintiff incorporates herein by reference all allegations within this amended  
 16. complaint and further alleges as follows:

17. 27. At all times relevant, defendant JFC International, Inc. was the owner of the vehicle  
 18. that defendant Masakazu Kaneda operated in the collision described above.

19. 28. In so entrusting the vehicle to defendant Masakazu Kaneda, defendant JFC  
 20. International, Inc. was negligent in that it knew or should have known that defendant Masakazu  
 21. Kaneda was an unsafe driver.

22. 29. As a proximate cause of the negligence of defendant JFC International, Inc., the  
 23. plaintiff was injured and damaged.

24. CAUSATION AND DAMAGES

25. 30. The plaintiff incorporates herein by reference all allegations within this amended  
 26. complaint and further alleges as follows:

27. 31. As a direct and proximate result of all the foregoing, the plaintiff was injured in and  
 28. about the spine, body, limbs, organs and systems, and was otherwise injured and caused to suffer  
 29. great pain of body and mind, and some or all of the same are permanent and disabling conditions,  
 30. all for the plaintiff's past and future general damages in excess of \$10,000.00.

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32. As a further direct and proximate result of all the foregoing, the plaintiff was caused and will be caused to expend monies for medical care and expenses incidental thereto, in an amount according to proof.

33. As a further direct and proximate result of all the foregoing, the plaintiff was caused and will be caused to suffer a loss of income and an impairment of earning capacity, in an amount according to proof.

34. As a further direct and proximate result of all the foregoing, the plaintiff has suffered damages related to the property damage of a vehicle, including repairs, towing expenses, storage expenses, loss of use, a property damage deductible, rental costs, loss of value and other incidental damages, in an amount according to proof.

35. The plaintiff has been required to hire an attorney to prosecute this action and is entitled to reasonable attorney fees and cost of suit.


PRAYER FOR RELIEF

WHEREFORE, the plaintiff prays judgment against the defendants, and each of them, jointly and severally, as follows:

1. General damages in excess of \$10,000.00;
2. Damages for medical expenses in an amount according to proof;
3. Damages for loss of income in an amount according to proof;
4. Damages for property damage-related claims in an amount according to proof;
5. Reasonable attorney's fees and cost of suit; and
6. Any further relief which the court may deem just and proper in the premises.

Dated this 26th day of April 2017.

Tingey & Tingey

  
 Bruce D. Tingey, Esq.  
 2001 W. Charleston Blvd.  
 Las Vegas, Nevada 89102

Kyle A. Stucki, Esq.  
 Stucki Injury Law  
 1980 Festival Plaza Drive, #300  
 Las Vegas, Nevada 89135

Attorney for Plaintiff


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DEMAND FOR JURY TRIAL

FURTHER, the plaintiff hereby demands a JURY TRIAL of all of the issues in the above matter.

Dated this 26th day of April 2017.

Tingey & Tingey



Bruce D. Tingey, Esq.  
2001 W. Charleston Blvd.  
Las Vegas, Nevada 89102

Kyle A. Stucki, Esq.  
Stucki Injury Law  
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# **EXHIBIT B**

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**EXHIBIT B**

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Steven D. Grierson  
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1 **NOTC**  
2 TIMOTHY F. HUNTER, ESQ.  
3 Nevada Bar No. 010622  
4 RAY LEGO & ASSOCIATES  
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7 Tel: (702) 479-4350  
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10 Attorney for Defendants,  
11 **JFC INTERNATIONAL, INC.;**  
12 **MASAKAZU KANEDA**

13 **DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 FREDY OLVERA-MARTINEZ,

CASE NO.: A-17-751173-C

16 Plaintiff,

DEPT. NO.: XXVI

17 vs.

18 JFC INTERNATIONAL, INC.; MASAKAZU  
19 KANEDA and DOES I through X, inclusive,

20 Defendants.

21 **NOTICE OF REMOVAL**

22 TO: CLERK OF THE COURT FOR DISTRICT COURT, CLARK COUNTY, NEVADA

23 TO: ALL PARTIES HERETO AND THEIR ATTORNEYS

24 Please take notice that Defendant, JFC INTERNATIONAL, INC. and MASAKAZU

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1 KANEDA have removed this action to the U.S. District Court for the District of Nevada  
2 pursuant to 28 U.S.C. §1332, 1441, and 1446.

3 DATED this 2<sup>nd</sup> day of June, 2017.

4 Respectfully submitted,

5 RAY LEGO & ASSOCIATES

6  #17726  
7 for

8 TIMOTHY F. HUNTER, ESQ., #010622

9 7450 Arroyo Crossing Parkway, Suite 250

10 Las Vegas, NV 89113

11 Attorney for Defendants, JFC

12 INTERNATIONAL, INC.; MASAKAZU

13 KANEDA  
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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of RAY LEGO & ASSOCIATES and that on the 20<sup>th</sup> day of June, 2017 I caused the foregoing **NOTICE OF REMOVAL** to be served as follows:

X pursuant to N.E.F.C.R. 9 by serving it via electronic service.

To the attorneys listed below:

Don C. Tingey, Esq., SNB #001373

TINGEY INJURY LAW FIRM

2001 W. Charleston Blvd.

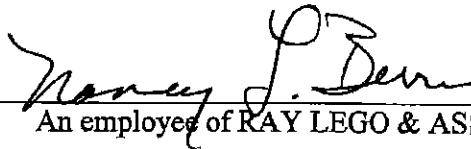
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Attorneys for Plaintiff, **FREDY OLVERA-MARTINEZ**



An employee of RAY LEGO & ASSOCIATES

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